

EXHIBIT D

TO

DECLARATION OF ANDREW J. VOSS

**In Support of Defendant's Motion to Transfer Venue and
Consolidate Certain Plaintiffs with First-Filed Action**

**Re: Clark v. Ecolab, Inc.
Court File No. 07-CV-8623 (DLC)**

07/28/2006 10:16 8452558649
JACKSON LEWIS

DAN GETMAN ESQ.

NO 6625 P 3

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

TROY MASSON, individually and on behalf
of others similarly situated,

Plaintiff,

-against-

ECOLAB, INC.,

Defendant.

VIA ECF

Civil Action No. CV 04 4488

STIPULATION AND ORDER
PERMITTING GREGORY
BURN TO JOIN ACTION

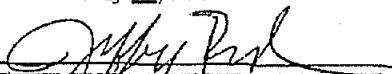
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WHEREAS, Gregory Byrne failed to timely file a consent form to join this action, but now wishes to join this action by filing a consent form:

IT IS HEREBY STIPULATED AND AGREED, by and among the parties to the above-captioned action, through their undersigned counsel, as follows:

1. Defendant will not object to Gregory Byrne's failure to timely file a consent form to join this action upon the condition that he responds to Defendant's Request for Production of Documents and Interrogatories within 30 days from the date his opt-in form is filed with the Court.
2. Failure to timely respond to Defendant's Request for Production and Interrogatories will result in dismissal, with prejudice, of his claims in this action.
3. Defendant does not waive its right to object to any other individual who wishes to join this action but who failed to file a timely consent form.

Dated: Melville, New York
July 28, 2006


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SO ORDERED on this _____ day of August, 2006

United States District Judge